A Pre-Famine Murder in County Limerick

by Noreen Curtis

Murder of a Protestant Clergyman

With a horror that baffles description, we have this day to announce the appalling murder of a Protestant Clergyman, by some of that sanguinary peasantry who are driven to deeds of blood and desperation by the wicked incitements of their demagogues.

So runs the headline of the *Clare Journal* on Monday, 8 June 1835.

On 1 June 1835, a murder was committed, in Ballincarraig, county Limerick. This area is in the parish of Ardcauny, in the Barony of Kenry and is situated on the southern shore of the Shannon Estuary. It was one of the baronies which had been allotted to those known as ‘adventurers’, who had financed Cromwell's war in Ireland during the 1600s.

Phineas Bury was one such recipient, and he received 5,310 acres in Kenry, including Baile na Carriga, the townland of the rock. The family built Ballincarraig House as a hunting lodge and it was near there that the murder occurred. The victim of the murder was a clergyman and landlord, Reverend Charles Dawson, whose mother was Bury, and he had inherited the land. He was a curate in Kilbarr, Co. Carlow, and had only come on a visit to Ballincarraig, to view his property which he had inherited on the death of his father.

On the occasion he stayed with Mr. Westropp of Mellon, his brother-in-law, as he did not have a residence of his own. During that visit, he was apparently superintending the building of a lodge for his occasional use, when he was attacked by three persons, and killed.

This incident occurred in broad daylight on Dawson’s own property, and would seem to be a land-related rather than sectarian crime. The newspapers at that time, however, inferred that it was sectarian, stating ‘the present atrocity seems to have arisen from the connection between the landlord and the tenant, and that in the person of the Rev. Dawson, both these characters were united, a clergyman and landlord, he presented a double mark to the assassin’s bullet’. The account of the crime, mentioned the difficulties that 'rents and lands would soon be mixed up with tithe and churches' and warned that the

This became known locally as the 'Babby School' and the ruins are still to be seen today, close by the road to Ringmotyan. The whole venture proved a failure, and the Charter School was closed in 1835, a century after it was first established.

According to Curtis, Protestant ministers were the main focus of sectarian attack. From 1830 to 1837 a newspaper extract reported thirty-nine attacks (some of which resulted in murder) on clergymen throughout Ireland, and which in Limerick included Mr. Geoghegan and Mr. Dawson. In 1832 a clergyman, the Reverend Irvine Whitty was brutally murdered in Golden county Tipperary, in much the same manner as the Reverend Dawson in 1835. It was stated at Whitty’s inquest that it was because of tithe arrears owed in the parish that the murder was carried out. In 1836, the *Limerick Chronicle* reported that the Reverend Edward Croker and his son had been stoned as they were riding from Croom to Athlacca, which is not too far from Ballincarraig. Croker was both a clergyman and a landlord, so possibly agrarian and sectarian motives played their part. In Loughill, County Limerick, in the same month, some thirty miles west along the Shannon estuary from Ballincarraig, the Reverend Mr. Adamson was struck on the head with a stone. A reward of £50 was offered for information leading to conviction with regard to this outrage. Protestant churches and parochial houses were also subject to attack by burning or breaking of windows.

View of Shannongrove by Samuel Brocas
Ministers of religion were not the only targets in sectarian atrocities. On 27 December 1834, shots were fired at and wounded Edward Hewson of Ballydoule, an estate very close to Ballinacarriga, in the parish of Ardconnel. A reward of £200 was offered for information leading to the apprehension of the perpetrators of this outrage. The reason put forward for this particular attack was that Hewson compelled all his servants, no matter what their religion, to attend family prayers. Again, it appears that some landlords, in this case, Hewson, were excessively evangelical. To the Irish peasants, the economic, religious and political system imposed by an alien, Protestant minority seemed to threaten their very existence.

Some sectarian animosity was voiced at the time of the Dawson murder. During the trial in 1843, one witness named Moloney, in the course of giving evidence, claimed that when he was accompanied by another man, Patrick Lynch, following the murder, they encountered a Mr. Hills, who pulled up his horse, and said ‘Ye Ballinacarriga murderers, ye have killed Mr. Dawson’. Lynch’s reply was: ‘I would not doubt you, you Orange thief, to say so!’ This could be seen as indicative of the feelings of resentment and hostility that prevailed in the district at the time. The fact that Mr. Hills was riding a horse, and was addressed as ‘an Orange thief’ indicated that he was Protestant, and may have been a strong farmer, suggesting in turn that the tensions were economic rather than sectarian.

Contemporary commentators, like Cornwall Lewis emphasized that had landlord/tenant relations were the main cause of rural disturbance. The French author, Gustave de Beaumont, writing about his travels in Ireland during the 1850s, made some interesting remarks on the topic of crime in Ireland.

The character of the crime is always the same, it is always about land, the cause of the crime is always some tenant being driven off his plot, or believing himself to be, the victim is invariably the landlord or his agent, the murderer an unknown person who commits the crime openly, and is fairly sure of getting away with it.

Galen Brooker concluded that a considerable portion of the population continued to accept agrarian outrage as a legitimate weapon in the continuing struggle against those who represented authority, landlords, magistrates, policemen and soldiers. The general atmosphere in Ireland during the early 1830s was of serious unrest and it would appear that a situation close to anarchy existed over wide areas of the country. K.T. Hoppen is quite definite in his view that the occupation of land seems to have overshadowed all other concerns in the minds of those embarking on acts of agrarian violence... the evidence is overwhelming that occupation stood at the core of discontent. This seems to have been the case in Ballinacarriga in 1835.

Who was Charles Dawson? He was born in county Wexford in 1781, where his father, also Charles, was a captain in the army. His mother was Deborah Bury, of Derrylusk, Rathcoole, county Tipperary. Charles entered Trinity College, Dublin, in 1801, and was conferred with a B.A. in 1809, and subsequently became a curate in the Diocese of Leighlin in Carlow. He married Charlotte Dawson, and they had one child, a daughter, named Deborah.

According to reports, the Reverend Dawson had dispossessed sitting tenants to facilitate the building of his new lodge. He had not actually evicted them, having offered them another house on the estate. Possibly his attitude was high-handed and the community was aggrieved. This was suggested by a report from T.P. Vokes, the local magistrate, to Dublin Castle. He quoted Patrick Lynch, one of those threatened with displacement, who told of a visit to his (Lynch’s) house by Mr. Dawson. On that occasion, Lynch got notice from him to quit. Dawson saying he would not match him while his lodge would be building. Mr. Enright, who was Dawson’s agent, got possession of the house for his employer. The comment, if truthful, could give a reasonable explanation for the subsequent violent action as it does show the landlord’s lack of understanding for the tenant’s position. From local memory, Reverend Dawson, on 1 June 1835, was shot from Mallow, and was seen by a number of witnesses. A story later circulated, the veracity of which is uncertain, that a Mrs. Madigan was instrumental in taking a pistol from the pocket of the greatcoat with which the victim was wearing, unbeknownst to him, which she then hid in a pot on the fire in her kitchen. Assuming this is correct, the fact that the Reverend Dawson was carrying a weapon on his person suggests that he was aware of threats against him, or that there was a general air of tension in the area. Without this weapon, he would have been unable to defend himself when he was attacked. This also suggests that the killing was more planned than opportunistic. Generally, in a violent incident, warning would have been given beforehand, sometimes by a threatening letter, or setting fire to a house, and murder would be the ultimate act. There does not seem to have been any forewarning here, which was unusual in the perpetration of such an outrage. According to the local historian, O’Corrib, moonshining or the distillation of illicit liquor was rife in the barony of Kerry during the first half of the nineteenth century. Poor working hours were nervous should the potential discovery of the distillation of alcohol and that this may have been a causal factor in the attack is not clear, but it might be considered.

According to Terence Dooley, landlords and their families had become psychologically disassociated from the vast majority of the people in nineteenth century Ireland. There were also at this time, on the estate at Ballinacarriga, other tenants who had lost their leases, and were put off the land, so it is apparent that there was a lot of tension and bad feeling amongst them. Mr. Dawson was not from the area, and the outsider was always regarded with suspicion and viewed with hostility and as a threat. He was dealing with a close-knit community, many of whom were intermarried, and this would certainly not help in his demand for possession.

Following the tragic event, the police had great difficulty in collecting evidence, as even though many people were in the area when it happened, there seemed to be a collective amnesia. They had to identify three different categories of individuals, potential suspects, those about whom there were more than vague suspicions, and those who had disputes with the late Rev.
crend Dawson. On 13 June 1836, three men belonging to the third category were arrested, John Hogan, Patrick Dillon, and David Fitzgerald, whom the police believed had a grievance against the Reverend Dawson, as two of them had lost their leases, and the third had been put off the farm. These men were eventually discharged, for lack of credible evidence. Eventually, two men were arrested, Patrick Lynch, son of the man whose house the late Reverend Dawson had appropriated, and Edmund Conway, described as a servant boy of Patrick Lynch, senior. The fact that a very substantial reward, £750, was offered for information leading to the arrest of the perpetrators, an enormous sum at that time, is indicative of the seriousness of the crime, and of the determination of the authorities to find and arrest the murderers. Even so, it took almost a decade to resolve the case. Though the crime was committed in June 1836, the two accused arrested in July of that year, the eventual trial did not happen until Monday 13 March 1843. The files which had been built up over eight years reveal the difficulties which the authorities had in bringing the accused to trial. In the Spring Assizes in 1836, there was contradictory evidence, so the Crown deferred the trial. By 1843, when the trial was finally held, what was described as the injurious sympathies that existed among the people by the counsel for the Prosecution at the trial, was one of the reasons given as to why it took so long to bring the perpetrators to justice. The reluctance of the local people to speak to the authorities was the principal cause for the delay in the prosecution. It is apparent that in this small community, with much intermarriage, trying to get individuals to give information against relatives was practically impossible. Some of the witnesses who came forward, possibly because of the reward offered, gave evidence that differed substantially from that of others, and the result was inconclusive. Of course the problem that the law faced when trying to persuade local witnesses to come forward was a major drawback at the time. Informers were difficult to find, not always reliable and the title 'informers' was anathema. Crimes perpetrated against those who gave information to the authorities or acted as witnesses were very violent, with a quartet of those attacked being killed. In his book, Murder at Wildgoose Lodge, Terence Dooley, discusses how members of a local agrarian society treated the victim, who they believed had informed on them to the authorities. Not alone did they punish him, but his entire family were burnt alive. The local community regarded giving information as a betrayal. The authorities were always considered to be the enemy, and to co-operate with them was considered to be an act against the community. This is also clear in the Ballinacarriga case. There was no mention of organised agitation in Ballinacarriga at the time of the murder, despite the apparently very strong feelings of resentment among the neighbours and families on the estate to resort to such an extreme action as murder. There did not seem to be a formal Whiteboy-type organisation in Ballinacarriga, but the killers used some of the methods employed by such societies. The wearing of an article of white clothing was a form of disguise used by the Whiteboys, and although this was not the case in the Dawson murder, there was some camouflage worn. Some witnesses at the trial claimed that two of the attackers wore women's clothing and also had their faces blackened, to conceal their appearance. The murder happened at approximately four o'clock in the afternoon on a June day, so a disguise of some sort would be necessary to avoid being identified. It seemed as if the murder had been planned and was not opportune or random. One man was used to decoy the victim to a particular area, while the others were lying in wait, and then attacked. The Reverend Dawson was shot and pelted with stones, and died as a result of his injuries.

The contradictory nature of the evidence against those accused eventually led to the acquittal of both Lynch and Conway, and shortly afterward both emigrated. The question still remained as to whether or not they actually murdered Reverend Dawson? The foreman of the jury informed the judge, after having stayed up all night deliberating, that there is not the slightest possibility of our agreeing. The jury was made up of landlords and strong farmers, at least seven of whom, Curtain notes, had Protestant surnames, and the other five Catholic surnames. It is possible the inability to reach a verdict resulted from voting along religious lines. According to Curtain, jurors in such cases came from a wide geographical area and were not from the immediate vicinity where the murder took place, probably to avoid the risk of intimidation by locals. The counsel for the defence, Waller, apparently did not believe his clients were innocent, and dismissed them as 'murderers' when they came to thank him for his efforts on their behalf.
Popular opinion was equally dubious and local folklore had it that one of those accused was "cut to ten rosaries" trying to assuage his guilt.30

Indeed, when the case seemed to be closed in 1843, there was more to come. The following year, in January 1844, a police report to the Inspector General regarding the Dawson case, indicated that John Lynch, brother of Patrick Lynch, had been arrested and charged with the murder and committed to the County Jail for trial.31 Obviously, the authorities were not still satisfied with the outcome. A report in the Limerick Chronicle dated 13 March 1844, stated that John Lynch was found not guilty, but that Edmund Conway and Patrick Lynch were found guilty and sentenced to death for the murder of the Reverend Dawson. The date of execution was set for 8 May 1844. So had these two men not emigrated in 1843, as the newspapers of that year stated? There is no way of answering this however, as the trail disappeared here, a trail of newspapers around that time failed to reveal if the execution actually happened, or what eventually transpired. Transportation records have been searched to see if the men had their sentences commuted, to all avail, as there was no mention of the convicted men here. A list of executions was also investigated but neither of the two men was mentioned, suggesting that they escaped execution.32 Neither is it clear why there were several trials, or what aspect of the law allowed this. The question of double jeopardy does not seem to have been considered when the case was reopened in 1843 or 1844. The concept of double jeopardy is one of the oldest in Western civilisation, as stated by Michael Mc Dowell, then Minister for Justice, Equality and Law Reform, at a public meeting in Limerick in 2006. He quoted Demosthenes, the Athenian statesman, who in 355 B.C. stated 'the law forbids the same man to be tried twice on the same issue'. The 'double jeopardy' rule is a cornerstone principle underlying very many national criminal justice systems, but on 12 February 2010,

REFERENCES
1. Clare Journal, Ennis, 8 June 1835.
4. Clare Journal, Ennis, 8 June 1835.
5. Ibid.
7. O’Corprüí, Kerry, p. 80.
8. Ibid p. 80.
9. Ibid p. 82.
11. Limerick Chronicle, undated cutting in author’s possession.
18. Registered Papers, Private Index, Co. Limerick, 1843/2007 National Archives of Ireland, 20 August 1843, from T.P. Vokes to Dublin Castle.
20. O’Corprüí, Kerry, p. 181.
21. A request was made to the Church of Ireland regarding the details of the shocking death of the Reverend Dawson, and the reaction of the Church to such an outrage. Unfortunately, the records were all destroyed in the burning of the Four Courts in 1922.
25. Limerick Register, 14 March 1843.
27. Limerick Chronicle, 15 March 1843.
29. O’Corprüí, Kerry, p. 181.
32. Transportation Registers 1843, 1844, National Archives of Ireland; Convict Reference Files 1844, National Archives of Ireland.